

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
MIROSLAW KUREK(b) County of Residence of First Listed Plaintiff **MONROE**
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Dominik Rostocki, Esq., The Rostocki Law Firm
1835 Market St., Suite 2626
Philadelphia, PA 19103 - (215) 575-7624**DEFENDANTS**SAINT-GOBAIN CONTAINERS - VERALLIA, CONSTELLATION
BRANDS, INC., J. ROGET & CANANDAIGUA WINE COMPANYCounty of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.Attorneys (If Known)
Alexander Nemiroff, Esq., Ogletree, Deakins, Nash, Smoak & Stewart
1735 Market Street, Suite 3000 Philadelphia, PA 19103- 215.995.2800
Attorneys for Saint-Gobain Containers - Verallia**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input checked="" type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1441 & 1332Brief description of cause:
Negligence, Breach of Warranty**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
75,001.00+CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
01/22/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1775 Glade Drive, Long Pond, PA 18334

Address of Defendant: Saint-Gobain Containers-Verallia, 1509 S. Macedonia Ave, Muncie, IN 47302

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☒ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

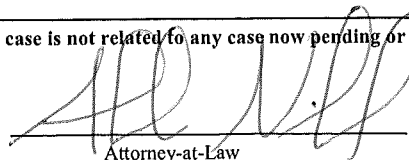
Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/22/15


Attorney-at-Law

92250

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Miroslaw Kurek

v.

Saint-Gobain Containers-Verallia, et al.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

1/22/15

Date

(215) 995-2800

Telephone

Alexander Nemiroff

Attorney-at-law

(215) 995-2801

FAX Number

Saint-Gobain Containers-Verallia

Attorney for

alexander.nemiroff@ogletreedeakins.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MIROSLAW KUREK,

Plaintiff,

v.

SAINT-GOBAIN CONTAINERS-
VERALLIA, CONSTELLATION BRANDS,
INC., J. ROGET and CANANDAIGUA
WINE COMPANY

Defendants.

Case No. _____

DEFENDANT'S NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Defendant Saint-Gobain Containers-Verallia, n/k/a Ardagh Glass Inc., ("Saint-Gobain"), pursuant to 28 U.S.C. §§ 1441(a) and 1446, files this Notice of Removal in the above-captioned action from the Court of Common Pleas of the Commonwealth of Pennsylvania, Philadelphia County, to the United States District Court for the Eastern District of Pennsylvania, based on the following grounds:

1. Plaintiff commenced this action on or about November 6, 2014, by filing a *Praecipe* for Writ of Summons in the Court of Common Pleas of the Commonwealth of Pennsylvania, Philadelphia County.

2. Plaintiff subsequently filed a Complaint on or about January 2, 2015. The Complaint is captioned *Miroslaw Kurek v. Saint-Gobain Containers-Verallia, Constellation Brands, Inc., J. Roget, and Canandaigua Wine Company*, Case No. 141100655, and asserts claims

for strict liability, negligence, and breach of warranty against the Defendants. The Complaint is attached as Exhibit “A” to this Notice of Removal.

3. On January 2, 2015, Saint-Gobain accepted service of Plaintiff’s Complaint.

4. There is complete diversity of citizenship because Saint-Gobain, as alleged in the Complaint, is a foreign corporation (*i.e.*, not a Pennsylvania corporation) with its principal place of business in Indiana (*see* Complaint ¶ 8, Exhibit “A”), as are the co-defendants, which are alleged to have principal places of business in New York. *See* Complaint ¶¶9-11, Exhibit “A”; *see also* 28 U.S.C. § 1332(c)(1) (a corporation shall be deemed to be a citizen of any State in which it is incorporated and of the State where it has its principal place of business). The Complaint further alleges that Plaintiff is a citizen of Pennsylvania (Complaint ¶7, Exhibit “A”).

5. The amount in controversy under 28 U.S.C. § 1332(a) is satisfied because in Plaintiff’s prayer for relief in the Complaint, Plaintiff seeks monetary damages in excess of \$50,000.00 as compensation for permanent injuries. On the basis of the allegations in the Complaint and upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a); *see also Napolitano v. Doherty*, No. 3:10-cv-806, 2010 U.S. Dist. LEXIS 52930, 2-3 (M.D. Pa. May 27, 2010) (jurisdictional limit met based on plaintiff’s claimed “serious and permanent injuries...as well as other various injuries, bruises and contusions about his body, all of which may be permanent in nature”); *McMonagle v. Franklin Mills Assocs. LP*, No. 06-4451, 2007 U.S. Dist. LEXIS 17071 (E.D. Pa. Mar. 9, 2007) (allegations of “permanent injuries to various parts of [plaintiff’s] body that have required, and may continue to require, medical care,” coupled with plaintiff’s demand for damages “in excess” of \$50,000, satisfied amount in controversy requirement); *c.f. Rodriguez v. Sears*, 349 F. Supp. 2d 211 (D.P.R. 2004) (amount in controversy did not reasonably amount to

\$75,000 where the physical injury suffered did not result in permanent disability and/or raise a question of uncertainty regarding the recovery of the injury and its long term effects).

6. Because there is diversity of citizenship between the parties and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, the District Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a). As such, it is removable pursuant to 28 U.S.C. § 1441(a).

7. Removal is timely under 28 U.S.C. § 1446(b) because Saint-Gobain is removing the case within 30 days after the receipt by Saint-Gobain, through service or otherwise, of a copy of the Complaint.

8. Venue is proper in the Eastern District of Pennsylvania because the case is being removed from the Court of Common Pleas of the Commonwealth of Pennsylvania, Philadelphia County. *See* 28 U.S.C. § 1446(a).

9. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all Defendants consent to the removal of this action.

10. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon the defendants in the state court action are annexed hereto as Exhibit “A.”

11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Court of Common Pleas of the Commonwealth of Pennsylvania, Philadelphia County and a copy of same served upon Plaintiff’s counsel. A true and correct copy of the proposed Notice is attached hereto as Exhibit “B.”

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

DATED: January 22, 2015

By:  

Alexander Nemiroff, Esq. (I.D. No. 92250)
L. Evan Van Gorder, Esq. (I.D. No. 307403)
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501
(215) 995-2800
(215) 995-2801 (fax)

*Counsel for Defendant Saint-Gobain Containers-
Verallia, n/k/a Ardagh Glass Inc.*

CERTIFICATE OF SERVICE

I, Alexander Nemiroff, Esq., hereby certify that on the 22nd day of January, 2015,
Defendant's Notice of Removal was served via First Class, U.S. Mail on the following:

Dominik Rostocki, Esquire
THE ROSTOCKI LAW FIRM, LLC
1835 Market Street, Suite 2626
Philadelphia, PA 19103
Attorneys for Plaintiff
Mirosław Kurek

Matthew A. Glazer, Esquire
Michael P. Zabel, Esquire
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19130
Attorneys for Defendants
Constellation Brands, Inc.,
J. Roget, and Canandaigua
Wine Company

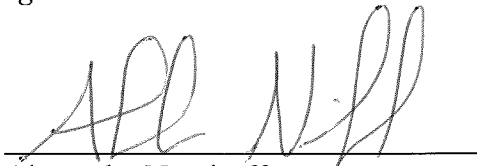

Alexander Nemiroff

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

NOVEMBER 2014**000655**

E-Filing Number: 1411010837

PLAINTIFF'S NAME MIROSLAW KUREK		DEFENDANT'S NAME SAINT-GOBAIN CONTAINERS-VERALLIA	
PLAINTIFF'S ADDRESS 1775 GLADE DRIVE LONG POND PA 18334		DEFENDANT'S ADDRESS 1509 S. MACEDONIA AVENUE MUNCIE IN 47302	
PLAINTIFF'S NAME		DEFENDANT'S NAME CONSTELLATION BRANDS, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 207 HIGH POINT DRIVE BUILDING 100 VICTOR NY 14564	
PLAINTIFF'S NAME		DEFENDANT'S NAME J. ROGET	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 207 HIGH POINT DRIVE BUILDING 100 VICTOR NY 14564	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2P - PRODUCT LIABILITY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PROTHONOTARY NOV 06 2014 D. SAVAGE	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MIROSLAW KUREK</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY DOMINIK ROSTOCKI		ADDRESS THE ROSTOCKI LAW FIRM, LLC 1835 MARKET STREET SUITE 2626 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 575-7624	FAX NUMBER (215) 575-7640		
SUPREME COURT IDENTIFICATION NO. 209179		E-MAIL ADDRESS Dominik@Rostocki.com	
SIGNATURE OF FILING ATTORNEY OR PARTY DOMINIK ROSTOCKI		DATE SUBMITTED Thursday, November 06, 2014, 03:43 pm	

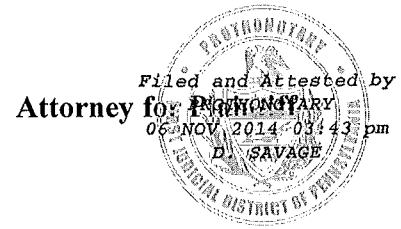
FINAL COPY (Approved by the Prothonotary Clerk)

COMPLETE LIST OF DEFENDANTS:

1. CANANDAIGUA WINE COMPANY
235 N. BLOOMFIELD ROAD
CANANDAIGUA NY 14424
2. J. ROGET
207 HIGH POINT DRIVE BUILDING 100
VICTOR NY 14564
3. CONSTELLATION BRANDS, INC.
207 HIGH POINT DRIVE BUILDING 100
VICTOR NY 14564
4. SAINT-GOBAIN CONTAINERS-VERALLIA
1509 S. MACEDONIA AVENUE
MUNCIE IN 47302



Dominik Rostocki, Esquire
Attorney I.D. No. 209179
THE ROSTOCKI LAW FIRM, LLC
1818 Market Street, 30th Floor
Philadelphia, PA 19103
Phone: 215-575-7624
Fax: 215-575-7640
www.Rostocki.com




MIROSLAW KUREK	:	IN THE COURT OF COMMON PLEAS
1775 Glade Drive	:	PHILADELPHIA COUNTY
Long Pond, PA 18334	:	
Plaintiff	:	_____TERM, 2012
	:	
v.	:	NO.
	:	
SAINT-GOBAIN CONTAINERS-	:	
VERALLIA	:	
1509 S. Macedonia Avenue	:	
Muncie, IN 47302	:	
	:	
CONSTELLATION BRANDS, INC.	:	
207 High Point Drive, Building 100	:	
Victor, NY 14564	:	
	:	WRIT OF SUMMONS
J. ROGET	:	
207 High Point Drive, Building 100	:	
Victor, NY 14564	:	
and	:	
CANANDAIGUA WINE COMPANY	:	
235 N. Bloomfield Road	:	
Canandaigua, NY 14424	:	
Defendants	:	

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons on Defendants in the above-referenced matter.

THE ROSTOCKI LAW FIRM, L.L.C.

BY: 
Dominik Rostocki, Esquire
Attorney for Plaintiff

DATE: November 06, 2014

C.P.97

Commonwealth of Pennsylvania
CITY AND COUNTY OF PHILADELPHIA

SUMMONS
CITACION

MIROSLAW KUREK

COURT OF COMMON PLEAS

NOVEMBER Term, 20¹⁴

No. _____

vs.

SAINT-GOBAIN
CONTAINERS-VERALLIA, ET AL.

To⁽¹⁾

SAINT-GOBAIN
CONTAINERS-VERALLIA

CANANDAIGUA WINE COMPANY

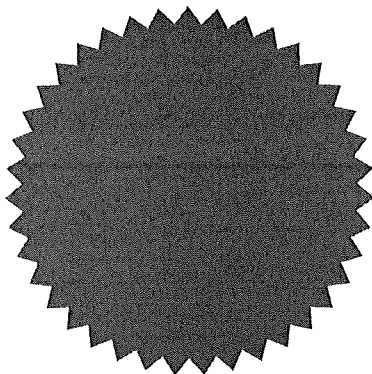
CONSTELLATION BRANDS, INC.

J. ROGET

You are notified that the Plaintiff⁽²⁾
Usted esta avisado que el demandante⁽²⁾

Miroslaw Kurek

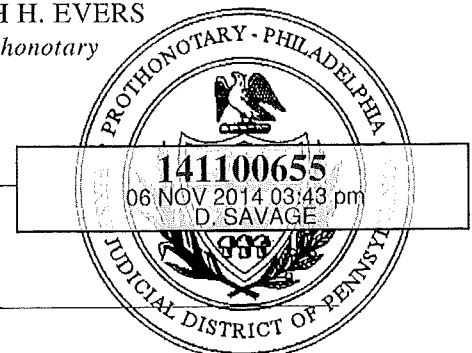
Has (have) commenced an action against you.
Ha (han) iniciado una accion en contra suya.



JOSEPH H. EVERS
Prothonotary

By _____

Date _____



⁽¹⁾ Name(s) of Defendant(s)

⁽²⁾ Name(s) of Plaintiff(s)

COURT OF COMMON PLEAS

NOVEMBER Term, 20 14 No. _____

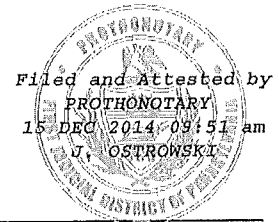
MIROSLAW KUREK

vs.

**SAINT-GOBAIN
CONTAINERS-VERALLIA, ET AL.**

SUMMONS

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Alexander Nemiroff, Esquire (PA Id. 92250)
1735 Market Street, Suite 3000
Philadelphia, PA 19103
Phone: 215.995.2800



MIROSLAW KUREK,

Plaintiff,

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

NOVEMBER TERM, 2014

vs.

NO. 0655

SAINT-GOBAIN CONTAINERS-
VERALLIA, CONSTALLATION BRANDS,
INC., J. ROGET, and CANANDAIGUA
WINE COMPANY,

Defendants.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a Rule upon Plaintiff to file a Complaint within 20 days hereof or suffer the entry of a Judgment of Non Pros.

Respectfully submitted,

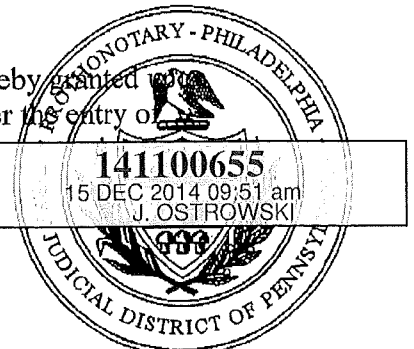
DATED: December 15, 2014

/s/ Alexander Nemiroff
Alexander Nemiroff, Esquire (PA Id. 92250)
Attorney for Defendant Saint-Gobain
Containers-Verallia

RULE TO FILE COMPLAINT

AND NOW, this _____ day of _____, 2014, a Rule is hereby granted upon Plaintiff to file a Complaint herein within 20 days after service hereof or suffer the entry of Judgment of Non Pros.

Prothonotary



Case ID: 141100655

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Alexander Nemiroff, Esquire (PA Id. 92250)
1735 Market Street, Suite 3000
Philadelphia, PA 19103
Phone: 215.995.2800
Fax: 215.995.2801

MIROSLAW KUREK,

Plaintiff,

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

NOVEMBER TERM, 2014

vs.

NO. 0655

SAINT-GOBAIN CONTAINERS-
VERALLIA, CONSTALLATION BRANDS,
INC., J. ROGET, and CANANDAIGUA
WINE COMPANY,

Defendants.

CERTIFICATE OF SERVICE

I certify that on December 15, 2014, a true and correct copy of the Praecipe for Rule to
File Complaint was electronically filed and served via the Court's Civil Electronic Filing
System.

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

DATED: December 15, 2014

/s/ Alexander Nemiroff
Alexander Nemiroff, Esquire (PA Id. 92250)
Attorney for Defendant Saint-Gobain
Containers-Verallia

I. JURISDICTION AND VENUE

1. Jurisdiction and venue are proper in this court because all parties have the requisite minimum contacts with Philadelphia County and all defendants regularly conduct business in Philadelphia County.
2. Defendant Saint-Gobain Containers-Verallia (hereinafter, "Saint-Gobain") has purposefully availed itself of the privileges of conducting activities in Pennsylvania and regularly conducts business in Philadelphia County.
3. Defendant Constellation Brands, Inc. (hereinafter, "Constellation") has purposefully availed itself of the privileges of conducting activities in Pennsylvania and regularly conducts business in Philadelphia County.
4. Defendant J. Roget has purposefully availed itself of the privileges of conducting activities in Pennsylvania and regularly conducts business in Philadelphia County.
5. Defendant Canandaigua Wine Company (hereinafter, "Canandaigua") has purposefully availed itself of the privileges of conducting activities in Pennsylvania and regularly conducts business in Philadelphia County.

II. THE PARTIES

6. Plaintiff incorporates all above Paragraphs.
7. Plaintiff, Mirosław Kurek (hereinafter, Mr. Kurek), is a citizen of Pennsylvania.
8. Defendant Saint-Gobain is a foreign corporation that regularly conducts business in Philadelphia County. Upon information and belief, its principal place of business is 1509 S. Macedonia Avenue, Muncie, Indiana.

9. Defendant Constellation is a foreign corporation that regularly conducts business in Philadelphia County. Upon information and belief, its principal place of business is 207 High Point Drive, Building 100 Victor, New York.
10. Defendant J. Roget is a foreign corporation that regularly conducts business in Philadelphia County. Upon information and belief, its principal place of business is 207 High Point Drive, Building 100 Victor, New York.
11. Defendant Canandaigua is a foreign corporation that regularly conducts business in Philadelphia County. Upon information and belief, its principal place of business is 235 N. Bloomfield Road, Canandaigua, New York.
12. Defendants Saint-Gobain, Constellation, J. Roget and Canandaigua are hereinafter collectively referred to as “Defendants.”

III. FACTUAL BACKGROUND

13. Plaintiff incorporates all above Paragraphs.
14. On or about December 31, 2012, Mr. Kurek purchased a 1.5L bottle of J. Roget champagne (hereinafter, “the bottle”), bottle number LC25512788815, from Pennsylvania Liquor Store #4502.
15. Upon information and belief, J. Roget is a brand wholly owned by one or more Defendants.
16. The bottle was designed by Defendants.
17. The bottle was manufactured by Defendants.
18. The bottle was distributed by Defendants.
19. The bottle was marketed and sold by each Defendant.
20. Each Defendant was in the chain of commerce and/or distribution of the bottle.

21. The bottle was to be used in a New Year's Day tradition by Mr. Kurek's family during which Mr. Kurek, along with his wife and children, would call their close relatives in Poland and open a bottle of champagne with them to toast the new year.
22. On January 1, 2013, as Mr. Kurek attempted to open the bottle normally with his hands, the bottle fractured due to one or more defects, causing serious injuries.

IV. ALLEGATIONS COMMON TO ALL COUNTS

23. Plaintiff incorporates all above Paragraphs.
24. At all relevant times, the bottle was defective and unreasonably dangerous.
25. At all relevant times, Mr. Kurek was unaware that the bottle was defective.
26. The bottle failed to perform in keeping with the reasonable expectations of the user.
27. The dangers were unknowable and unacceptable to the average or ordinary consumer.
28. At all relevant times, the probability and seriousness of the harm caused by the defective bottle outweighed any burden or costs of taking precautions to prevent the harm.
29. At the time of each sale of the bottle, and at the time of the distribution of the bottle, the bottle was defective.

V. COUNT I – Plaintiff v. All Defendants – STRICT LIABILITY (§402A)

30. Plaintiff incorporates all above Paragraphs.
31. At all relevant times, each Defendant was in the business of marketing and selling the bottle.
32. The bottle was expected to, and did, reach Mr. Kurek without substantial change in the condition in which it was sold by each Defendant.

33. At all relevant times, the bottle was in a defective condition unreasonably dangerous to the user or consumer.
34. The bottle was defectively manufactured by Defendants.
35. In the alternative, the bottle was defectively designed by Defendants.
36. In the alternative, the bottle contained inadequate warnings and/or instructions.
37. As a proximate and factual cause of the defects, Mr. Kurek was caused to suffer serious and permanent injuries.
38. The defective condition of the bottle was a substantial factor in the injuries suffered by Mr. Kurek.

WHEREFORE, Plaintiff Miroslaw Kurek demands judgment against Defendants, jointly and severally, in an amount in excess of \$50,000, plus interest, costs and any other relief this Court deems appropriate.

VI. COUNT II – Plaintiff vs. All Defendants – NEGLIGENCE

39. Plaintiff incorporates all above Paragraphs.
40. The bottle was designed, manufactured, assembled and sold by Defendants.
41. At all relevant times, the bottle was being used for its intended and reasonably anticipated use and purpose.
42. Defendants had a duty to design, manufacture, assemble and sell the bottle in a condition with no defects.
43. Defendants' negligence consisted of the following:
 - a. Failing to manufacture and/or design a bottle that was not defective;
 - b. Failing to manufacture and/or design a bottle that was safe for its intended uses;

- c. Failing to utilize reasonable engineering methodology to design and/or manufacture a safe bottle;
 - d. Failing to provide adequate warnings and/or cautions and/or directions concerning the defective condition of the bottle;
 - e. Failing to adequately or properly test and inspect the bottle to provide a safe product that would not cause new or enhanced injuries due to its defective manufacture and/or design;
 - f. Failing to give adequate instruction to foreseeable users of the bottle regarding the likelihood or possibility of injuries resulting from the bottle's defective manufacture and/or design;
 - g. Failing to adequately, properly or completely supervise employees, agents, and/or independent contractors in the design and/or manufacture of the bottle so that it would not cause injuries to foreseeable users;
 - h. Failing to inspect the bottle prior to marketing and/or sale to ensure that it was safe for its intended uses;
 - i. Failing to recall the bottle in a timely and/or reasonable manner so as to correct the defective conditions; and
 - j. Being otherwise negligent.
44. As a factual and proximate cause of Defendants' negligence, Plaintiff suffered serious and permanent injuries.


WHEREFORE, Plaintiff Miroslaw Kurek demands judgment against Defendants, jointly and severally, in an amount in excess of \$50,000, plus interest, costs and any other relief this Court deems appropriate.

VII. COUNT III – Plaintiff v. All Defendants – BREACH OF WARRANTY

45. Plaintiff incorporates all above Paragraphs.
46. As a result of the defective and unreasonably dangerous condition of the bottle, Defendants, in selling the bottle in such condition, breached implied warranties of merchantability and fitness.
47. These breaches of implied warranties of merchantability and fitness were proximate and factual causes of the serious injuries sustained by Plaintiff.

WHEREFORE, Plaintiff Mirosław Kurek demands judgment against Defendants, jointly and severally, in an amount in excess of \$50,000, plus interest, costs and any other relief this Court deems appropriate.

THE ROSTOCKI LAW FIRM, L.L.C.

BY: 
Dominik Rostocki, Esquire
Attorney for Plaintiff

DATE: January 02, 2015

VERIFICATION

Dominik Rostocki, Esquire, THE ROSTOCKI LAW FIRM, L.L.C., attorney for the Plaintiff in the foregoing matter, verifies that he is expressly authorized to sign this Verification on behalf of said Plaintiff. He has reviewed the facts set forth in the foregoing Complaint and the facts set forth therein are true and correct to the best of his knowledge, information and belief. These statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

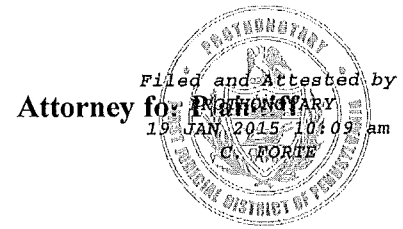


BY: _____
DOMINIK ROSTOCKI, ESQUIRE
Attorney for Plaintiff

DATE: January 2, 2014



Dominik Rostocki, Esquire
Attorney I.D. No. 209179
THE ROSTOCKI LAW FIRM, LLC
1835 Market Street, Suite 2626
Philadelphia, PA 19103
Phone: 215-575-7624
Fax: 215-575-7640
www.Rostocki.com




MIROSLAW KUREK	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	
v.	:	NOVEMBER TERM, 2014
	:	
SAINT-GOBAIN CONTAINERS-	:	NO. 0655
VERALLIA, CONSTELLATION	:	
BRANDS, INC., J. ROGET and	:	
CANANDAIGUA WINE COMPANY	:	
Defendants	:	

PRAECIPE TO SUBSTITUTE VERIFICATION

TO THE PROTHONOTARY:

Kindly substitute the attorney verification currently attached to the Complaint with the client verification attached hereto.

THE ROSTOCKI LAW FIRM, L.L.C.

BY: 
Dominik Rostocki, Esquire
Attorney for Plaintiff

DATE: January 19, 2015

VERIFICATION

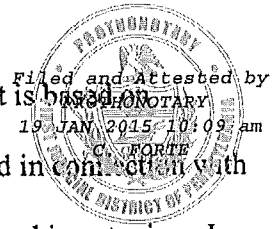
I, Miroslaw Kurek, having read the attached Complaint, verify that it is based on information I furnished to my attorney, which information has been gathered in connection with this lawsuit. The specific language of the Complaint is that of my attorney and is not mine. I verify that I have read the within Complaint and that it is factually true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

DATE:

01/10/2015

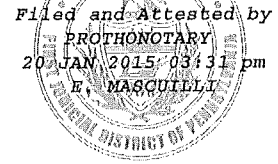


Miroslaw Kurek



COZEN O'CONNOR
BY: Matthew A. Glazer (PA I.D. No. 204540)
Michael P. Zabel (PA I.D. No. 310278)
1900 Market Street
Philadelphia, PA 19103
Telephone: 215-665-5556
Facsimile: 215-665-2013

*Attorneys for Defendants Constellation
Brands, Inc., J. Roget, and Canandaigua
Wine Co.*



MIROSLAW KUREK,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	
Plaintiff,	:	NOVEMBER TERM, 2014
	:	
v.	:	NO. 00655
	:	
SAINT-GOBAIN CONTAINERS-	:	
VERALLIA, CONSTELLATION	:	
BRANDS, INC., J. ROGET and	:	
CANANDAIGUA WINE COMPANY,	:	
	:	
Defendants.	:	

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearances on behalf of named Defendants Constellation Brands, Inc.,
J. Roget, and Canandaigua Wine Co. in the above captioned matter.

COZEN O'CONNOR

By: /s/ Michael P. Zabel
Matthew A. Glazer (PA I.D. No. 204540)
Michael P. Zabel (PA I.D. No. 310278)
1900 Market Street
Philadelphia, PA 19103
Telephone: 215-665-5556
Facsimile: 215-665-2013

Dated: January 20, 2015

*Attorneys for Defendants Constellation Brands,
Inc., J. Roget, and Canandaigua Wine Co.*

CERTIFICATE OF SERVICE

I, Michael P. Zabel, Esquire, hereby certify that a true and correct copy of the foregoing Entry of Appearance was served on January 20, 2015, upon the following counsel via the court's electronic filing system:

Dominik Rostocki, Esquire
THE ROSTOCKI LAW FIRM, LLC
1835 Market Street
Suite 2626
Philadelphia, PA 19103
Attorney for Plaintiff

Alexander Nemiroff, Esquire
OGLETREE DEAKINS
1735 Market Street
Suite 3000
Philadelphia, PA 19103
Attorney for Defendant Saint-Gobain Containers-Verallia

COZEN O'CONNOR

By: /s/ Michael P. Zabel
Michael P. Zabel

EXHIBIT B

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Alexander Nemiroff, Esq. (I.D. No. 92250)
L. Evan Van Gorder, Esq. (I.D. No. 307403)
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501
(215) 995-2800
(215) 995-2801 (fax)

*Attorneys for Defendant
Saint-Gobain Containers-Verallia,
n/k/a Ardagh Glass Inc.*

MIROSLAW KUREK,

Plaintiff,

v.

SAINT-GOBAIN CONTAINERS –
VERALLA, CONSTELLATION
BRANDS, INC, and CANANDAIGUA
WINECOMPANY

Defendants.

:
:
: COURT OF COMMON PLEAS
: PHILADLEPHIA COUNTY
: CIVIL TRIAL DIVISION

:
: NOVEMBER TERM, 2014

:
: No.: 0655
:
:
:
:
:

DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT

TO THE PROTHONOTARY OF THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY:

Pursuant to 28 U.S.C. § 1446(d), on January 22, 2015, Defendant Saint-Gobain Containers-Verallia, n/k/a Ardagh Glass Inc., ("Saint-Gobain"), in the above-referenced action, in which Saint-Gobain first received a copy of the Complaint on January 2, 2015, filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. Section 1446(a) ("Notice of Removal"). A copy of that Notice of Removal is attached hereto as Exhibit "A."

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446(d), the filing of that Notice of Removal, together with the filing of the attached Notice of Removal with this Court, effects the removal of this action, and this Court may proceed no further unless and until the case is remanded by the federal court.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

DATED: January 22, 2015

By: s/ Alexander Nemiroff

Alexander Nemiroff, Esq. (I.D. No. 92250)
L. Evan Van Gorder, Esq. (I.D. No. 307403)
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501
(215) 995-2800
(215) 995-2801 (fax)

*Attorneys for Saint-Gobain Containers-Verallia
(n/k/a Ardagh Glass Inc.)*

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Alexander Nemiroff, Esq. (I.D. No. 92250)
L. Evan Van Gorder, Esq. (I.D. No. 307403)
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501
(215) 995-2800
(215) 995-2801 (fax)

*Attorneys for Defendant
Saint-Gobain Containers-Verallia,
n/k/a Ardagh Glass Inc.*

MIROSLAW KUREK,

Plaintiff,

v.

SAINT-GOBAIN CONTAINERS –
VERALLA, CONSTELLATION
BRANDS, INC, and CANANDAIGUA
WINECOMPANY

Defendants.

COURT OF COMMON PLEAS
PHILADLEPHIA COUNTY
CIVIL TRIAL DIVISION

NOVEMBER TERM, 2014

No.: 0655

CERTIFICATE OF SERVICE

I, Alexander Nemiroff, Esq., hereby certify that on the 22nd day of January, 2015,

Defendant's Notice of Removal was served via First Class, U.S. Mail on the following:

Dominik Rostocki, Esquire
THE ROSTOCKI LAW FIRM, LLC
1835 Market Street, Suite 2626
Philadelphia, PA 19103
*Attorneys for Plaintiff
Miroslaw Kurek*

Matthew A. Glazer, Esquire
Michael P. Zabel, Esquire
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19130
*Attorneys for Defendants
Constellation Brands, Inc.,
J. Roget, and Canandaigua
Wine Company*

DATE: January 22, 2015

s/ Alexander Nemiroff
Alexander Nemiroff